

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CHARLES PRUITT,)
)
Plaintiff,)
)
vs.) Case No. 4:08CV00154AGF
)
KERRY D. BUTCHER, et al.,)
)
Defendants.)

ORDER

Upon review of the record, the Court notes that the file contains no proof of service upon nor entry of appearance on behalf of defendant **Kerry D. Butcher**. Because it does not appear that service of the complaint has been timely made within 120 days after the filing of the Notice of Removal from St. Louis County on **January 31, 2008**.

IT IS HEREBY ORDERED, pursuant to Fed.R.Civ.P. 4(m), that plaintiffs shall show cause in writing, within seven (7) days of the date of this order, why this action should not be dismissed without prejudice as to defendant **Kerry D. Butcher** for lack of timely service.

Dated this 2nd day of June, 2008.

Audrey G. Fleissig
AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE